

ENTERED

May 22, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHARON YASIN,

Plaintiff,

v.

MV TRANSPORTATION and JORGE
GONZALEZ,

Defendants.

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CIVIL CASE NO. H-23-1050

ORDER

Sharon Yasin sued the defendants in state court for violations of the Americans with Disabilities Act, 42 U.S.C. §§ 12102 *et seq.* The defendants removed the case to this court, (Docket Entry No. 1), and have moved to dismiss the complaint for failure to state a claim. (Docket Entry No. 2). Yasin has not responded to the motion.

Yasin's complaint alleges, as its factual basis, only that "MV Transportation denied me service" and that "Jorge Gonzale[z] fraudulently created [f]alse statements and documents to intentionally disqualify Plaintiff from utilizing MV Transportation Paratransit Service." (Docket Entry No. 1-1 at 9 ¶¶ 1-2).

While the Federal Rules ask for a "short and plain statement of the claim showing that the pleader is entitled to relief," FED. R. CIV. P. 8(a)(2), a complaint must be "more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A claim must contain a plausible claim for relief, meaning allegations "that allow[] the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007)). Yasin's complaint does not pass this bar,

omitting essential elements of an ADA claim. She fails to allege, for example, that she is a qualified individual under the ADA. *Neely v. PSEG Tex., L.P.*, 735 F.3d 242, 245 (5th Cir. 2013).

The court grants the motion to dismiss. (Docket Entry No. 2). Yasin must file an amended complaint by **June 30, 2023**. Failure to file an amended complaint will result in dismissal with prejudice.

SIGNED on May 22, 2023, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

Lee H. Rosenthal
United States District Judge